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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,596	07/24/2001	Tsutomu Uenoyama	33826	3659

116 7590 06/08/2005

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/911,596

Applicant(s)

UENOYAMA ET AL.

Examiner

Allen Wong

Art Unit

2613

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 8, 11, 19 and 22.

Claim(s) rejected: 1-7, 9, 10, 12-18, 20 and 21.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

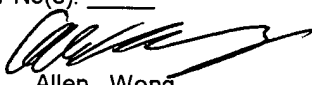
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.


Allen Wong
Primary Examiner
Art Unit: 2613

Continuation of 11. does NOT place the application in condition for allowance because: all of the limitations of the claims have already been addressed in the previous Office Action, sent on 1/27/05. Regarding claims 1 and 12, applicant argues that Yagasaki does not disclose controller for controlling the operation of the video compression unit and the video transmission unit. Again, the examiner respectfully disagrees. Yagasaki teaches that the element 31 of fig.6 is the data control circuit 31 that controls the compression and transmission bit rates by affecting the quantization unit 16 of the video compression circuit 2 and utilizing a commonly well known MPEG video encoding scheme, the recursive buffer quantization scheme. The recursive buffer quantization scheme, as taught in Yagasaki, utilizes the transmission buffer 3 with the quantization unit 16 of the video compression unit 2 to recursively and constantly adjust the quantization for affecting the video compression rate and the data transmission rate of the data transmitted DTRA, and the quantization rate controller or Yagasaki's data control circuit 31 acts as a medium to interactively affect the coding rate and the transmission rate. Thus, the broad limitations of the claims are met by Yagasaki. Further, note Yagasaki's element 31 of fig.6 controls the video compression and video transmission in that Yagasaki's fig.2, video compression unit and transmission unit are operated in parallel via the loop element 6. Since Yagasaki teaches the controller for controlling the operation of the video compression unit and the video transmission unit, the rejections to claims 4 and 15, via the combination of Yagasaki and Lee, are valid for the same reasons as stated above. Also, the rejections to claims 9, 10, 20 and 21, via the combination of Yagasaki and Moriyama, are valid for the same reasons as stated above.

Thus, the rejection of claims 1-7, 9, 10, 12-18, 20 and 21. Dependent claims 8, 11, 19 and 22 are still objected to as containing allowable subject matter, especially if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For instance, the prior art does not specifically disclose a processing time measuring unit for measuring the compression encoding time via the video compression unit and the transmission time via the video transmission unit, wherein the controller changes at least one of the compression encoding process via the video compression unit and the transmission process via the video transmission unit depending on the set conditions and the output of the processing time measuring unit. Furthermore, the prior art does not specifically disclose wherein the video input unit comprises a video apparatus controller for supplying a digital video signal from external video apparatus to the video compression unit as required at a speed equal to or greater than the speed required for the compression encoding via the video compression unit.